

# Foreword

## IJCLE conference July 2009, Western Australia

The 7th International Journal of Clinical Legal Education conference was held in conjunction with the 10th Australian Clinical Legal Education conference on 9th–11th July 2009 in Perth and Fremantle, Western Australia. The host institution was the School of Law, Murdoch University in Perth and the excellent local organisers were the team from SCALES community legal centre led by **Anna Copeland** and **Gai Walker**. The conference title was “*Global, Local Clinical: Clinical Legal Education in a Shrinking World*.” It focused on the global reach of clinical legal education and the many ways in which clinical projects cross geographical, social and cultural frontiers

The range of delegates was reflective of the conference theme with contributors from a very wide range of jurisdictions including: Australia, Canada, China, India, Hong Kong, Japan, Malaysia, Nigeria, South Africa, Thailand, United Kingdom and the USA. The conference was held on lands traditionally owned by the Nyoongar people and the conference was graciously welcomed by **Marie Taylor**, Whadjuk Ballardong, Nyoongar Burdiya Yogka, who evoked the image of a conference as a campfire conversation where people gather to relax with friends, share experience and learn. I believe the conference succeeded in achieving these and many other outcomes. Delegates were inspired by the exceptional standard and rich diversity of the papers that were presented.

It is always invidious to select highlights from a conference but special mention must go to the keynote speeches which underpinned perfectly the conference themes and provided ideal plenary focal points throughout the three days of diverse discussion. **Professor Frank Bloch** opened the conference with his paper, *The Global Clinical Movement: Opportunities for Growth in an Ever Shrinking World*. He showed how clinical programmes, although primarily dealing with localised concerns, draw upon universal principles relating to education, social justice and human rights. He suggested there is potential for greater international development as clinicians continue to forge partnerships and organisations such as the IJCLE and the Global Alliance for Justice Education bring clinicians together and raise awareness of opportunities for cross-border collaboration. A significant contribution to international awareness will be the book Frank is currently editing on the Global Clinical Movement. We very much look forward to its publication.

**Professor David McQuoid-Mason** delighted the conference with his interactive session, *Using Kafka’s The Trial to Teach Law Students about Due Process Rights*. Delegates played the parts of prisoner, prison guard, inspector, lawyer and magistrate as Josef K’s labyrinthine legal nightmare unfolded. The audience offered insights from their own legal systems as to the rights that were granted and denied by the authorities in Kafka’s classic novel. The session provided an excellent illustration of how clinical methodology can be invoked with relatively large groups and using limited resources to raise awareness of human rights norms, contrast levels of protection in different legal systems and focus attention on the importance of due process.

**Anna Cody** provided an ideal closing keynote with her paper, “*Yes We Can*”: *Teaching Clinical Students about Social Justice and Human Rights*. In it she argued that although law students may be motivated to commence clinical programmes for a multitude of reasons they are almost always

intensely affected and sometimes transformed by the social injustice they encounter and the realisation that they can contribute to the achievement of social justice and human rights on behalf of individual clients and the wider community. Although focusing on the Australian situation, the issues were clearly applicable across most clinical contexts. The paper was followed by a panel discussion involving contributions from **Helen Yandell**, **Jeff Giddings**, **Fran Gibson** and **Anna Copeland** and a lively debate about potential tensions between educational and social justice objectives.

The parallel sessions are the scholarly core of a conference such as this and we were extremely fortunate to present 32 concurrent papers over the course of the conference. We had papers on the interface of law and medicine, international business development, representing children and disabled clients, clinics in conflict zones, new clinics, bi-legal clinics, e-clinics, debt clinics and migration clinics. Papers considered how to assess in clinic, how to select for clinic, clinic survival, the use of psychiatry in clinic, the role of NGOs in clinic, doctrinal law in clinic, gender in clinic and clinical supervision. We learned about clinic development in various jurisdictions including Japan, Hong Kong, Nigeria, Malaysia and the Gulf Region. Overall the parallel sessions revealed the rich diversity of clinical activities and pedagogy that enables this conference to flourish.

Finally, no conference is complete without a social calendar and the IJCLE has always prided itself on making the evening sessions at least as lively as the day. An excellent programme was arranged by the SCALES team including pre conference dinner at a brewery, “sundowner” at the Law School, conference dinner at a Swan Valley winery, a visit to a nature park and an amazing demonstration of Aboriginal culture, music and dance. The generosity, warmth and humour of our hosts will be an enduring memory of this conference and will be hard to equal ... But we will try...

### ... IJCLE conference 2010: Newcastle, England

For the first time the IJCLE conference will come home to Northumbria University in Newcastle upon Tyne, England. The provisional dates for the conference are Weds 7th–Fri 9th July 2010. Home to fine Georgian architecture, the Quayside cultural quarter, unspoilt coastline and the world heritage sites of Durham Cathedral and Hadrian’s Wall, the region is a gem and the city is a delightful cosmopolitan centre which embraces visitors from all over the world while retaining a strong regional identity. The conference will be hosted in the new purpose built Law School at Northumbria University and the conference planning group is already busy devising an exciting programme of events. Please check the website [www.ijcle.com](http://www.ijcle.com) for further details and the call for papers which will be issued in the autumn term.

### In this edition

The opening lines of **Robert Schehr’s** article set the scene for a polemical analysis of the state of legal education in the USA and the failure to realise the benefits of clinical methodology:

*Maintenance of status quo law school curricular design and delivery, along with the continued marginalization of live client clinic programs, and the discordant objectives of law schools as compared to the expectations of Bar passage, serve to stifle the role of juridic practitioners in the service of justice.*

Schehr adopts Dewey's characterisation of the traditional law professor mentality that "the Lord speaks through me" and argues that despite decades of research and debate little has fundamentally altered in law school instruction so that "teachers are the sifters and transmitters of wisdom and knowledge, and they alone serve as the arbiters of truth". Drawing on analyses of the position of Innocence Projects in legal education the article argues that the marginalised position of such schemes is indicative of a more general failure of law schools to appreciate and embrace the more holistic education that clinical method can offer to law students. He applies postmodern and Lacanian insights to law curriculum design and delivery and views the Socratic Method as a "master narrative" that "perpetuates hierarchical political, economic, and cultural relations" creating a "system-reproducing steering mechanism" that will "inhibit truly innovative pedagogical practices". The analysis presents a bleak view of current US legal education; although Schehr reminds us that the recent Carnegie report and Stuckey's Best Practices report also present damning appraisals of the lack of pedagogic ambition in law schools. The article seeks to provide an indication of a way forward by drawing on student development theory research and arguing for integration of clinical methodology so that "no longer would clinics be marginalized, they would become the normative model of effective law school pedagogy."

**Victoria Murray** and **Tamsin Nelson** ask the intriguing question, "Assessment – are grade descriptors the way forward?" They outline the recent move in their clinic from criteria referenced assessment to the use of grade descriptors and report on the research they conducted into attitudes of staff and students towards the new assessment methodology. These developments are situated in the context of wider issues involved with grading of clinical performance including the debate about the appropriateness of assessing clinical modules at all. The article concludes that the initial research suggests both faculty and students support the use of grade descriptors as a useful benchmark against which to measure existing and potential performance and providing some reassurance of greater transparency and consistency in the grading process.

**Antoinette Sedillo Lopez, Cameron Crandall et al** outline an innovative collaboration between medical and legal clinics at the University of New Mexico. The project adopted a novel amalgamation of the standardised patient, which is a routine teaching tool for medical education and the standardised client, which is a more recent and less widely used method in legal education. This was performed in the context of domestic violence scenarios so that the medical students completed a clinical meeting with an actor playing the part of an abused woman whereas the law students conducted an initial legal interview with the woman as a potential client. Sometimes the link between the medical problem and domestic violence would be overt and in others the relationship was covert, thus presenting students with difficult and realistic situations. The law students completed two simulated meetings followed by a focused "curricular intervention" and then completed a further two simulated meetings. Perhaps surprisingly, the researchers found no statistically significant improvement in student performance pre and post intervention but did find a range of other potential advantages including unanticipated benefits and the project has led to further collaborative activities.

**Claire Sparrow** appraises the collaborative project between the University of Portsmouth and Portsmouth Citizens Advice Bureau (which is a community legal service). The CAB was in need of high quality volunteers to participate in its advice surgeries for members of the public whereas the law school wished to enable students to improve their skills, enhance their employability and increase the university's engagement with the community. The article outlines how the project

developed from being an extracurricular volunteer scheme to a fully integrated academic module and explains why this was felt to be necessary. The resulting collaboration appears to be a successful meeting of minds and interests and is a good example of how clinical projects can be developed without the need to build a full live client infrastructure in the law school.

*Kevin Kerrigan*

Editor